

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

12 PHASE FOUR INDUSTRIES, INC.,)	Case No.: C-04-4801 JW PVT
13) Related Cases C-05-0748 JW PVT	C-04-5105 JW PVT
14) ORDER SETTING BRIEFING	
15 MARATHON COACH, INC.,) SCHEDULE AND HEARING DATE	
16) FOR PLAINTIFF'S MOTION FOR	
17) EXTENSION OF TIME TO	
) COMPLETE DISCOVERY	

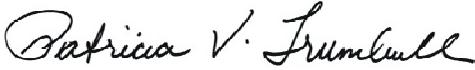
On July 27, 2007, Plaintiff Phase Four Industries, Inc. (“PFII”) filed a Motion for Extension of Time to Complete Discovery.¹ PFII did not file a Notice of Motion, but the docket entry for the Motion states: “Motion Hearing set for 8/2/2007 10:00 AM in Courtroom #5, 4th Floor, San Jose.” (Docket # 143.) Civil Local Rule 7-2 requires that any motion “be filed, served and noticed in writing . . . for hearing not less than 35 days after service of motion.” Civ. L.R. 7-2(a). Accordingly, this motion has not been properly noticed. Additionally, the disputed extension of time to complete discovery in this case is a matter properly before the trial judge. After consultation with Judge Ware’s chambers, and in order to streamline the resolution of this dispute, IT IS HEREBY ORDERED that:

¹ The holding of this court is limited to the facts and the particular circumstances underlying the present motion.

1. PFII's Motion for an Extension of Time to Complete Discovery shall be
2. heard by Judge Ware at 9:00 a.m. on August 20, 2007;
3. Opposition, if any, shall be filed no later than August 6, 2007; and
4. Reply, if any, shall be filed no later than August 8, 2007.

5 IT IS SO ORDERED.

6 Dated: July 31, 2007



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8 PATRICIA V. TRUMBULL
United States Magistrate Judge

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